



U.S. Department
of Transportation
**Federal Highway
Administration**

Office of the Administrator

March 4, 2008

1200 New Jersey Avenue, SE.
Washington, DC 20590

The Honorable James L. Oberstar
Chairman
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

In Reply Refer To:
HCFB-1

Dear Mr. Chairman:

Thank you for your February 8 letter, cosigned by Chairman Peter A. DeFazio, regarding the upcoming rescission of unobligated balances of apportioned Federal-aid highway program funds.

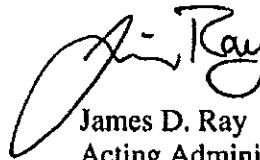
I believe that the Federal Highway Administration's views are in accord with the conclusions outlined in your letter and the accompanying Memorandum from the Congressional Research Service. We intend to distribute the rescission called for in the Consolidated Appropriations Act, 2008 (Pub. L. 110-161) in a manner that adheres to the procedural guidelines contained in Section 1132 of the Energy Independence and Security Act of 2007 (Pub. L. 110-140).

In brief, we will proportionally distribute the rescission within States among affected programs based on fiscal year 2008 apportionments. Pursuant to Section 1132 of the Energy Act, Transportation Enhancement Activities (TE) will be treated as a separate program for purposes of distribution of the rescission. States will then be allowed to make adjustments to the proportional distribution among the programs; however, any adjustment will be restricted to 110 percent of the amount of the rescission proportionally distributed to a program.

Thus, even with the maximum allowable adjustments, a State cannot rescind more than 110 percent of the amount of the rescission proportionally distributed to TE, the Congestion Mitigation and Air Quality Improvement Program, or the Highway Bridge Program. This will serve to prevent disproportionate reductions in the balances of these programs in response to this rescission.

If I can provide further information or assistance, please feel free to call me. An identical letter has been sent to Chairman DeFazio.

Sincerely,



James D. Ray
Acting Administrator

RECEIVED 11
**AMERICAN
ECONOMY**



U.S. Department
of Transportation
**Federal Highway
Administration**

Office of the Administrator

March 4, 2008

1200 New Jersey Avenue, SE.
Washington, DC 20590

The Honorable Peter A. DeFazio
Chairman
Subcommittee on Highways and Transit
U.S. House of Representatives
Washington, DC 20515

In Reply Refer To:
HCFB-1

Dear Mr. Chairman:

Thank you for your February 8 letter, cosigned by Chairman James L. Oberstar, regarding the upcoming rescission of unobligated balances of apportioned Federal-aid highway program funds.

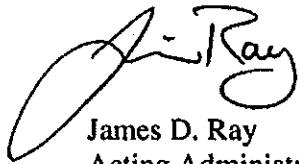
I believe that the Federal Highway Administration's views are in accord with the conclusions outlined in your letter and the accompanying Memorandum from the Congressional Research Service. We intend to distribute the rescission called for in the Consolidated Appropriations Act, 2008 (Pub. L. 110-161) in a manner that adheres to the procedural guidelines contained in Section 1132 of the Energy Independence and Security Act of 2007 (Pub. L. 110-140).

In brief, we will proportionally distribute the rescission within States among affected programs based on fiscal year 2008 apportionments. Pursuant to Section 1132 of the Energy Act, Transportation Enhancement Activities (TE) will be treated as a separate program for purposes of distribution of the rescission. States will then be allowed to make adjustments to the proportional distribution among the programs; however, any adjustment will be restricted to 110 percent of the amount of the rescission proportionally distributed to a program.

Thus, even with the maximum allowable adjustments, a State cannot rescind more than 110 percent of the amount of the rescission proportionally distributed to TE, the Congestion Mitigation and Air Quality Improvement Program, or the Highway Bridge Program. This will serve to prevent disproportionate reductions in the balances of these programs in response to this rescission.

If I can provide further information or assistance, please feel free to call me. An identical letter has been sent to Chairman Oberstar.

Sincerely,



James D. Ray
Acting Administrator

**AMERICAN
ECONOMY**



U.S. Department
of Transportation
**Federal Highway
Administration**

Notice

Subject:

RESCISSION OF FEDERAL-AID APPORTIONMENTS

Classification Code

N4510.673

Date

March 4, 2008

Office of Primary Interest

HCFB-1

1. **What is the purpose of this Notice?** This Notice is to notify the States that \$3,150,000,000 of unobligated Federal-aid highway funds apportioned to the States are hereby rescinded as required by Division K, Title I of the Consolidated Appropriations Act, 2008, Public Law (Pub. L. No.) 110-161.
2. **What apportioned funds are being rescinded?**
 - a. Pursuant to Division K, Title I of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, an amount of \$3,150,000,000 is rescinded from the unobligated balances of funds apportioned under Chapter 1 of Title 23, United States Code (U.S.C.).
 - b. Pursuant to Division K, Title I of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, the rescission shall not apply to funds distributed in accordance with:
 - (1) Section 130(f) of Title 23, U.S.C., for the Railway-Highways Crossings Program;
 - (2) Section 104(b)(5) of Title 23, U.S.C., for the Highway Safety Improvement Program;
 - (3) the first sentence of Section 133(d)(3)(A) of Title 23, U.S.C., for the division of Surface Transportation Program funds between urbanized areas of over 200,000 population and other areas;
 - (4) Section 133(d)(1) of Title 23, U.S.C., for the safety set-asides under the Surface Transportation Program, as in effect on the day before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. No. 109-59; or
 - (5) Section 163 of Title 23, U.S.C., for Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons, as in effect on the day before the date of enactment of SAFETEA-LU.

**AMERICAN
ECONOMY**

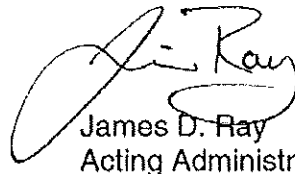
3. **How are the apportioned funds being rescinded?**

- a. Pursuant to Title XI, Subtitle D, Section 1132(a) of the Energy Independence and Security Act of 2007, Pub. L. No. 110-140, the rescission shall be distributed within each State among programs which are apportioned under Chapter 1 of Title 23, U.S.C., and for which funds were apportioned in fiscal year (FY) 2008. The affected programs under Chapter 1 of Title 23, U.S.C., among which the rescission shall be distributed, are as follows: Interstate Maintenance, National Highway System, Bridge, Surface Transportation Program, Congestion Mitigation and Air Quality Improvement, Recreational Trails, Metropolitan Planning, Equity Bonus, and Transportation Enhancements.
- b. Pursuant to Title XI, Subtitle D, Section 1132(a) of the Energy Independence and Security Act of 2007, within each State, the rescission is being distributed among the affected programs – to the extent sufficient funds remain available for obligation – in the ratio that the amount of funds apportioned for each affected program under Chapter 1 of Title 23, U.S.C., for FY 2008 bears to the amount of funds apportioned for all affected programs under Chapter 1 of Title 23, U.S.C. for FY 2008.
- c. The distribution of the rescission has been calculated using FY 2008 apportionments, inclusive of funds programmatically distributed from the Equity Bonus Program, but exclusive of funds set aside for State Planning and Research and those funds withheld pursuant to Section 154 of Title 23, U.S.C. (Open Container Requirements), and Section 164 of Title 23, U.S.C. (Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence), which are separate from, but impact the programs by operation of law. The apportionments used to calculate the distribution of the rescission are also exclusive of funds from Sections 130(f) and 104(b)(5) of Title 23, U.S.C.; Sections 133(d)(1) and 163 of Title 23, U.S.C., as in effect on the day before the date of enactment of SAFETEA-LU; and the first sentence of Section 133(d)(3)(A) of Title 23, U.S.C. Each State's share of the total amount to be rescinded, as well as the distribution of the rescission among the affected programs within each State, is reflected in Table 1.
- d. Pursuant to Title XI, Subtitle D, Section 1132(b) of the Energy Independence and Security Act of 2007, a State may make adjustments to the distribution of the rescission within the State for a fiscal year by transferring the amounts to be rescinded among the affected programs, except that in making such adjustments the State may not rescind from any such affected program more than 110 percent of the funds to be rescinded from the program as determined by the distribution. The maximum allowable adjustment for each affected program is reflected in Table 2.

- e. Pursuant to Title XI, Subtitle D, Section 1132(c) of the Energy Independence and Security Act of 2007, funds set aside for the Transportation Enhancements Program under Section 133(d)(2) of Title 23, U.S.C., shall be treated as being apportioned under Chapter 1 of Title 23 U.S.C., for purposes of distribution of the rescission.

4. **What actions are required?**

- a. Division Administrators should ensure that this Notice is provided to State departments of transportation. **In addition, Division Administrators should ensure that State departments of transportation officials are encouraged to reach out to stakeholders in considering how to implement the rescission.**
- b. Not later than 30 days after the date of this Notice, the States must identify the program codes from which amounts are to be rescinded, based on the distribution of the rescission in Table 1 and the maximum allowable adjustments to this distribution in Table 2. The program codes eligible for rescission exclude those for Sections 130(f) and 104(b)(5) of Title 23, U.S.C.; Sections 133(d)(1) and 163 of Title 23, U.S.C., as in effect prior to the date of enactment of SAFETEA-LU; and the first sentence of Section 133(d)(3)(A) of Title 23, U.S.C.
- c. The States should ensure that a sufficient amount of unobligated funds are available within each program code and fiscal year selected to bear the rescission. For guidance, refer to the Fiscal Management Information System (FMIS) report W10 to assist in determining the program codes, fiscal years, and amounts to be applied to the rescission. **Once the program codes, fiscal years, and amounts have been determined and submitted to the Federal Highway Administration's (FHWA) Office of Budget (HCFB), no obligations should be incurred by the State against the amounts identified to be rescinded.**
- d. When identifying the program codes and amounts to be rescinded, States must provide the following: program code, program title, fiscal year from which the funds are to be rescinded, total unobligated balance, and the amount to be rescinded from the total unobligated balance. The information should be submitted on the attached Table 3 to the HCFB official electronic mailbox, "FHWA, Budget Division."


James D. Ray
Acting Administrator

Attachments

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

RESCISSION OF UNOBLIGATED BALANCES OF CONTRACT AUTHORITY
Pursuant to Division K, Title I of the Consolidated Appropriations Act, 2008 and Title XI, Subtitle D, Section 1132 of the Energy Independence and Security Act of 2007

| State | Interstate Maintenance | National Highway System | STP State Flex | Highway Bridge | CMAQ | Metro Planning | Recreational Trails | Transportation Enhancements | Equity Bonus | Total |
|----------------|---------------------------|-------------------------------|-------------------|-------------------|-------------|-------------------|------------------------|--------------------------------|-----------------|---------------|
| Alabama | 15,079,501 | 16,901,125 | 6,576,489 | 10,432,136 | 1,368,075 | 332,489 | 188,353 | 1,995,091 | 7,927,425 | 60,800,684 |
| Alaska | 6,861,618 | 8,138,050 | 6,202,958 | 3,080,371 | 2,067,248 | 172,427 | 136,327 | 738,447 | 6,319,293 | 33,716,739 |
| Arizona | 17,091,613 | 20,458,501 | 6,560,306 | 2,693,455 | 5,867,609 | 669,387 | 199,422 | 1,943,794 | 8,608,744 | 64,092,831 |
| Arkansas | 9,595,928 | 10,987,483 | 4,197,798 | 7,673,450 | 1,254,998 | 172,427 | 144,780 | 1,286,943 | 4,090,567 | 39,405,374 |
| California | 52,987,299 | 75,313,435 | 27,775,026 | 56,693,853 | 48,730,633 | 5,141,743 | 695,847 | 8,588,850 | 21,301,777 | 297,228,463 |
| Colorado | 10,810,259 | 14,471,649 | 4,584,514 | 4,186,989 | 3,753,667 | 550,316 | 163,736 | 1,358,374 | 2,986,898 | 42,866,402 |
| Connecticut | 6,846,633 | 6,323,488 | 2,496,693 | 19,897,506 | 4,613,820 | 487,888 | 112,271 | 1,018,648 | 3,753,118 | 45,550,065 |
| Delaware | 730,254 | 6,007,663 | 1,392,135 | 1,654,200 | 1,114,272 | 172,427 | 98,436 | 409,522 | 734,437 | 12,303,346 |
| Dist. of Col. | 311,001 | 5,904,062 | 1,212,471 | 3,375,237 | 975,459 | 172,427 | 89,447 | 365,240 | 0 | 12,405,344 |
| Florida | 36,645,661 | 52,750,669 | 19,043,582 | 16,678,291 | 1,511,572 | 2,307,149 | 378,977 | 5,642,543 | 25,399,429 | 160,357,873 |
| Georgia | 33,106,042 | 30,306,847 | 12,958,843 | 10,147,544 | 6,970,989 | 858,129 | 231,481 | 3,873,036 | 17,767,270 | 116,220,181 |
| Hawaii | 1,117,434 | 5,706,202 | 3,524,332 | 2,834,326 | 1,070,976 | 172,427 | 102,186 | 426,525 | 562,907 | 15,517,315 |
| Idaho | 5,995,617 | 8,065,902 | 2,094,083 | 2,781,916 | 1,375,465 | 172,427 | 148,597 | 632,496 | 3,076,297 | 24,342,800 |
| Illinois | 29,900,018 | 25,427,495 | 11,109,409 | 17,107,622 | 10,812,847 | 1,667,827 | 242,204 | 3,291,677 | 10,373,843 | 109,932,942 |
| Indiana | 22,478,946 | 22,995,176 | 8,790,512 | 9,187,466 | 5,319,541 | 584,222 | 149,983 | 2,604,596 | 12,334,588 | 84,445,030 |
| Iowa | 8,127,158 | 11,904,294 | 3,873,278 | 7,576,300 | 1,060,617 | 190,940 | 154,957 | 1,147,638 | 1,394,067 | 35,429,249 |
| Kansas | 7,345,813 | 10,238,351 | 3,849,161 | 5,419,186 | 1,019,009 | 206,877 | 144,287 | 1,223,210 | 662,439 | 30,108,333 |
| Kentucky | 13,276,561 | 15,319,845 | 4,867,172 | 8,047,591 | 1,395,075 | 268,354 | 151,531 | 1,472,865 | 4,645,696 | 49,444,690 |
| Louisiana | 8,968,796 | 10,247,735 | 4,122,262 | 21,481,264 | 1,089,870 | 434,298 | 188,402 | 1,333,118 | 2,439,602 | 50,305,347 |
| Maine | 2,997,590 | 3,327,676 | 1,216,154 | 3,592,409 | 975,459 | 172,427 | 132,070 | 395,654 | 0 | 12,809,439 |
| Maryland | 10,876,098 | 12,259,005 | 4,456,346 | 12,826,437 | 5,924,911 | 736,519 | 139,071 | 1,418,116 | 3,096,408 | 51,732,911 |
| Massachusetts | 9,569,481 | 9,734,438 | 3,969,864 | 21,346,370 | 6,913,484 | 965,181 | 152,524 | 1,373,584 | 1,242,361 | 55,267,287 |
| Michigan | 19,330,816 | 24,315,891 | 10,258,736 | 13,994,718 | 8,347,182 | 1,126,774 | 262,900 | 3,091,361 | 8,150,842 | 88,879,229 |
| Minnesota | 12,187,561 | 14,783,524 | 5,961,260 | 4,175,858 | 3,350,321 | 172,427 | 197,672 | 1,938,621 | 5,030,198 | 48,089,482 |
| Mississippi | 7,342,034 | 12,124,532 | 3,999,372 | 7,532,511 | 1,139,340 | 172,427 | 166,174 | 1,226,352 | 2,511,233 | 36,213,975 |
| Missouri | 17,885,075 | 19,927,284 | 6,910,422 | 16,197,083 | 2,413,770 | 529,363 | 176,607 | 2,247,292 | 7,530,880 | 73,817,756 |
| Montana | 8,950,202 | 11,971,072 | 2,275,315 | 1,980,962 | 1,431,867 | 172,427 | 153,043 | 674,167 | 4,266,448 | 31,875,503 |
| Nebraska | 5,196,465 | 8,962,648 | 2,618,998 | 2,977,855 | 1,067,082 | 172,427 | 128,358 | 775,999 | 967,240 | 22,867,072 |
| Nevada | 6,481,986 | 7,251,302 | 1,394,655 | 1,534,352 | 2,771,744 | 287,117 | 127,488 | 673,321 | 2,359,163 | 23,758,935 |
| New Hampshire | 2,486,762 | 4,709,763 | 2,972,458 | 3,083,946 | 1,129,501 | 172,427 | 118,095 | 447,680 | 913,134 | 14,455,963 |
| New Jersey | 13,903,491 | 20,523,115 | 6,954,037 | 23,312,332 | 11,460,619 | 1,328,084 | 149,428 | 2,060,455 | 8,487,378 | 88,178,919 |
| New Mexico | 9,414,441 | 11,327,615 | 2,563,190 | 1,796,177 | 1,230,219 | 172,427 | 154,022 | 833,558 | 2,880,061 | 30,371,710 |
| New York | 23,111,413 | 26,462,238 | 10,271,502 | 53,940,706 | 19,814,735 | 2,655,620 | 222,634 | 3,333,540 | 7,401,832 | 147,214,220 |
| North Carolina | 19,852,210 | 23,421,347 | 8,986,293 | 16,198,651 | 5,559,351 | 644,159 | 205,231 | 2,722,963 | 9,986,150 | 87,576,355 |
| North Dakota | 3,630,461 | 10,069,379 | 1,653,491 | 1,330,472 | 1,085,641 | 172,427 | 109,926 | 503,091 | 918,886 | 19,473,774 |
| Ohio | 27,506,953 | 26,800,646 | 11,169,764 | 20,838,582 | 10,779,368 | 1,252,273 | 212,519 | 3,309,560 | 12,499,777 | 114,369,442 |
| Oklahoma | 11,356,878 | 14,675,204 | 5,504,717 | 9,123,114 | 1,165,918 | 254,116 | 172,669 | 1,673,415 | 3,737,123 | 47,663,154 |
| Oregon | 7,485,822 | 10,666,779 | 3,515,971 | 9,578,527 | 1,809,834 | 338,469 | 148,837 | 1,041,769 | 1,662,820 | 36,248,828 |
| Pennsylvania | 24,640,714 | 26,166,290 | 9,876,293 | 53,632,701 | 11,871,310 | 1,406,371 | 220,515 | 3,226,739 | 10,078,954 | 141,119,887 |
| Rhode Island | 1,197,619 | 4,830,993 | 1,102,006 | 7,279,835 | 1,002,610 | 172,427 | 98,062 | 371,934 | 0 | 16,055,486 |
| South Carolina | 13,609,943 | 13,753,332 | 5,992,721 | 7,543,832 | 1,323,688 | 320,947 | 143,816 | 1,775,621 | 6,218,651 | 50,682,531 |
| South Dakota | 4,653,975 | 9,100,467 | 1,829,949 | 1,678,342 | 1,188,641 | 172,427 | 113,663 | 603,277 | 1,753,777 | 21,094,511 |
| Tennessee | 19,137,297 | 18,931,818 | 6,371,180 | 7,695,891 | 3,741,001 | 507,795 | 163,841 | 2,137,912 | 7,662,938 | 66,349,673 |
| Texas | 63,774,824 | 80,178,604 | 29,059,775 | 22,009,009 | 16,509,555 | 2,534,224 | 428,232 | 8,767,293 | 34,727,657 | 257,989,173 |
| Utah | 9,274,445 | 6,318,949 | 2,354,123 | 1,443,735 | 1,146,652 | 299,410 | 162,045 | 709,725 | 1,616,566 | 23,325,650 |
| Vermont | 1,858,277 | 4,070,308 | 1,214,278 | 3,358,415 | 976,806 | 172,427 | 106,851 | 365,240 | 8,207 | 12,130,809 |
| Virginia | 20,881,815 | 20,522,557 | 7,861,199 | 13,133,497 | 6,001,887 | 807,291 | 164,880 | 2,556,488 | 9,449,851 | 81,379,485 |
| Washington | 11,244,171 | 17,736,155 | 4,810,301 | 17,695,542 | 3,739,005 | 737,152 | 206,279 | 1,429,922 | 1,490,270 | 54,088,787 |
| West Virginia | 6,202,486 | 6,286,740 | 2,153,180 | 7,181,352 | 1,267,917 | 172,427 | 129,632 | 700,221 | 2,778,810 | 26,872,765 |
| Wisconsin | 13,065,134 | 22,368,877 | 7,333,095 | 3,629,754 | 2,915,705 | 486,860 | 195,960 | 2,172,769 | 8,939,231 | 61,107,365 |
| Wyoming | 6,498,689 | 9,888,048 | 1,404,975 | 1,394,906 | 1,138,217 | 172,427 | 139,351 | 416,289 | 1,414,007 | 22,466,909 |
| Apportioned | 702,882,280 | 865,934,548 | 312,536,644 | 583,986,576 | 242,565,062 | 34,485,477 | 9,123,629 | 94,326,534 | 304,159,250 | 3,150,000,000 |

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.673 - Table 2

MAXIMUM AMOUNT OF CONTRACT AUTHORITY ELIGIBLE FOR RESCISSION
Pursuant to Title XI, Subtitle D, Section 1132(b) of the Energy Independence and Security Act of 2007, Pub. L. No. 110-140

| State | Interstate Maintenance | National Highway System | STP State Flex | Highway Bridge | CMAQ | Metro Planning | Recreational Trails | Transportation Enhancements | Equity Bonus |
|----------------|---------------------------|-------------------------------|-------------------|-------------------|------------|-------------------|------------------------|--------------------------------|-----------------|
| Alabama | 16,587,451 | 18,591,238 | 7,234,138 | 11,475,350 | 1,504,883 | 385,738 | 207,188 | 2,194,800 | 8,720,168 |
| Alaska | 7,547,780 | 8,951,855 | 6,823,254 | 3,388,408 | 2,273,973 | 189,670 | 149,960 | 812,292 | 6,951,222 |
| Arizona | 18,800,774 | 22,504,351 | 7,216,337 | 2,962,801 | 6,454,370 | 736,326 | 219,364 | 2,138,173 | 9,489,618 |
| Arkansas | 10,556,621 | 12,086,231 | 4,617,578 | 8,440,795 | 1,380,498 | 189,670 | 159,258 | 1,415,637 | 4,499,624 |
| California | 58,286,029 | 82,844,779 | 30,552,529 | 62,363,238 | 53,603,696 | 5,655,917 | 765,432 | 9,447,735 | 23,431,955 |
| Colorado | 11,891,285 | 15,918,814 | 5,042,965 | 4,605,688 | 4,129,034 | 605,348 | 180,110 | 1,494,211 | 3,285,588 |
| Connecticut | 7,531,296 | 6,955,837 | 2,746,362 | 21,887,257 | 5,075,202 | 536,677 | 123,498 | 1,120,513 | 4,128,430 |
| Delaware | 803,279 | 6,608,429 | 1,520,349 | 1,819,620 | 1,225,699 | 189,670 | 108,280 | 450,474 | 807,881 |
| Dist. of Col. | 342,101 | 6,494,468 | 1,333,718 | 3,712,761 | 1,073,005 | 189,670 | 98,392 | 401,764 | 0 |
| Florida | 40,310,227 | 58,025,736 | 20,947,940 | 18,346,120 | 1,862,729 | 2,537,864 | 416,875 | 6,206,797 | 27,939,372 |
| Georgia | 36,416,646 | 33,337,532 | 14,254,727 | 11,162,298 | 7,668,088 | 943,942 | 254,629 | 4,260,340 | 19,543,997 |
| Hawaii | 1,229,177 | 6,276,822 | 3,876,765 | 3,117,759 | 1,178,074 | 189,670 | 112,405 | 468,178 | 619,198 |
| Idaho | 6,595,179 | 8,872,492 | 2,303,491 | 3,060,108 | 1,513,012 | 189,670 | 163,457 | 695,746 | 3,383,927 |
| Illinois | 32,890,020 | 27,970,245 | 12,220,350 | 18,818,384 | 11,894,132 | 1,834,610 | 266,424 | 3,620,845 | 11,411,227 |
| Indiana | 24,726,841 | 25,294,694 | 9,669,563 | 10,106,213 | 5,851,495 | 642,644 | 164,981 | 2,865,056 | 13,568,047 |
| Iowa | 8,938,874 | 13,094,723 | 6,260,606 | 8,333,930 | 1,166,679 | 210,034 | 170,453 | 1,262,402 | 1,533,474 |
| Kansas | 8,080,394 | 11,262,186 | 4,234,077 | 5,961,105 | 1,120,910 | 227,565 | 158,716 | 1,345,531 | 728,683 |
| Kentucky | 14,604,217 | 16,851,830 | 5,353,889 | 8,852,350 | 1,534,583 | 295,189 | 166,684 | 1,620,152 | 5,110,266 |
| Louisiana | 9,865,676 | 11,272,509 | 4,534,488 | 23,629,390 | 1,198,857 | 477,728 | 207,242 | 1,466,430 | 2,683,562 |
| Maine | 3,297,349 | 3,660,444 | 1,337,769 | 3,951,650 | 1,073,005 | 189,670 | 145,277 | 435,219 | 0 |
| Maryland | 11,963,708 | 13,484,906 | 4,901,981 | 14,109,081 | 6,517,402 | 810,171 | 152,978 | 1,559,928 | 3,406,049 |
| Massachusetts | 10,526,429 | 10,707,882 | 4,366,850 | 23,481,007 | 7,604,832 | 1,061,699 | 167,776 | 1,510,942 | 1,386,597 |
| Michigan | 21,263,898 | 26,747,480 | 11,284,610 | 15,394,190 | 9,181,900 | 1,239,451 | 289,200 | 3,400,497 | 8,965,926 |
| Minnesota | 13,406,317 | 16,261,876 | 6,557,386 | 4,593,444 | 3,685,353 | 510,914 | 217,439 | 2,132,483 | 5,533,218 |
| Mississippi | 8,076,237 | 13,336,985 | 4,399,309 | 8,285,762 | 1,253,274 | 189,670 | 182,791 | 1,348,987 | 2,762,356 |
| Missouri | 19,673,583 | 21,919,990 | 7,601,484 | 17,816,791 | 2,655,147 | 582,299 | 194,268 | 2,472,021 | 8,283,968 |
| Montana | 9,845,222 | 13,168,179 | 2,502,847 | 2,179,058 | 1,575,054 | 188,670 | 168,347 | 741,584 | 4,693,093 |
| Nebraska | 5,716,112 | 9,858,913 | 2,880,898 | 3,275,641 | 1,173,790 | 188,670 | 141,194 | 853,599 | 1,063,964 |
| Nevada | 7,130,185 | 7,976,432 | 2,499,704 | 1,687,787 | 3,048,918 | 315,829 | 140,238 | 740,653 | 2,595,079 |
| New Hampshire | 2,735,438 | 5,180,739 | 1,534,121 | 3,392,341 | 1,242,451 | 189,670 | 129,905 | 492,448 | 1,004,447 |
| New Jersey | 15,293,840 | 22,575,427 | 7,649,441 | 25,643,555 | 12,606,681 | 1,460,870 | 164,371 | 2,266,501 | 9,336,116 |
| New Mexico | 10,355,885 | 12,460,377 | 2,819,509 | 1,975,795 | 1,353,241 | 189,670 | 169,424 | 916,914 | 3,168,067 |
| New York | 25,422,554 | 29,108,462 | 11,298,652 | 59,334,777 | 21,796,209 | 2,921,182 | 244,897 | 3,666,894 | 8,142,015 |
| North Carolina | 21,837,431 | 25,763,482 | 9,884,922 | 17,818,516 | 6,115,286 | 708,575 | 225,754 | 2,995,259 | 10,984,765 |
| North Dakota | 3,993,507 | 11,076,317 | 1,818,840 | 1,463,519 | 1,194,205 | 189,670 | 120,919 | 553,400 | 1,010,775 |
| Ohio | 30,257,648 | 29,480,711 | 12,286,740 | 22,922,440 | 11,857,305 | 1,377,500 | 233,771 | 3,640,516 | 13,749,755 |
| Oklahoma | 12,492,566 | 16,142,724 | 6,055,189 | 10,035,425 | 1,282,510 | 279,528 | 189,936 | 1,840,757 | 4,110,835 |
| Oregon | 8,234,404 | 11,733,457 | 3,867,568 | 10,536,380 | 1,990,817 | 372,316 | 163,721 | 1,145,946 | 1,829,102 |
| Pennsylvania | 27,104,785 | 28,782,919 | 10,853,922 | 58,935,971 | 13,058,541 | 1,547,008 | 242,567 | 3,549,413 | 11,086,849 |
| Rhode Island | 1,317,381 | 5,314,092 | 1,212,207 | 8,007,819 | 1,102,871 | 189,670 | 107,868 | 409,127 | 0 |
| South Carolina | 14,970,937 | 15,128,665 | 6,591,993 | 8,298,215 | 1,456,035 | 353,042 | 158,198 | 1,953,183 | 6,840,516 |
| South Dakota | 5,119,373 | 10,010,514 | 2,012,944 | 1,846,176 | 1,307,505 | 189,670 | 125,029 | 663,597 | 1,929,155 |
| Tennessee | 21,051,027 | 20,825,000 | 7,008,298 | 8,465,480 | 4,115,101 | 558,575 | 180,225 | 2,351,703 | 8,429,232 |
| Texas | 70,152,306 | 88,196,464 | 31,965,753 | 24,209,910 | 18,160,511 | 2,787,646 | 471,055 | 9,644,022 | 38,200,423 |
| Utah | 10,201,890 | 6,950,844 | 2,589,535 | 1,588,109 | 1,261,317 | 329,351 | 178,250 | 780,698 | 1,778,223 |
| Vermont | 2,044,105 | 4,477,339 | 1,335,706 | 3,694,257 | 1,074,487 | 189,670 | 117,536 | 401,764 | 9,028 |
| Virginia | 22,969,987 | 22,574,813 | 8,647,319 | 14,446,847 | 6,602,076 | 888,020 | 181,368 | 2,812,137 | 10,394,836 |
| Washington | 12,368,588 | 14,009,771 | 5,291,331 | 19,465,096 | 4,112,906 | 810,867 | 226,907 | 1,572,914 | 1,639,297 |
| West Virginia | 6,822,735 | 6,915,414 | 2,368,498 | 7,899,487 | 1,394,709 | 189,670 | 142,595 | 770,243 | 3,056,691 |
| Wisconsin | 14,371,647 | 24,605,765 | 8,066,405 | 3,992,729 | 3,207,276 | 535,546 | 215,556 | 2,390,046 | 9,833,154 |
| Wyoming | 7,148,558 | 10,876,853 | 1,545,473 | 1,534,397 | 1,252,039 | 189,670 | 153,286 | 457,918 | 1,555,408 |

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.673 - Table 3

Rescission of Unobligated Balances
*Pursuant to Division K, Title I of the Consolidated Appropriations Act, 2008 and
Title XI, Subtitle D, Section 1132 of the Energy Independence and Security Act of 2007*

State: _____ Total Amount to be Rescinded: _____

| <u>Program Code</u> | <u>Program Title</u> | <u>Fiscal Year</u> | <u>Total Unobligated Balance</u> | <u>Unobligated Balance to be Rescinded</u> |
|---------------------|----------------------|--------------------|--|--|
|---------------------|----------------------|--------------------|--|--|

\$XXX,XXX,XXX.XX*

*Amount should equal State total from Table 1

FREQUENTLY ASKED QUESTIONS:

FY 2008 Rescission of Unobligated Balances Pursuant to Division K, Title I of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161 and Title XI, Subtitle D, Section 1132(a) of the Energy Independence and Security Act of 2007, Pub. L. No. 110-140

1. How does this rescission differ from rescissions in past fiscal years?

This table lists the main differences with the FY 2008 Rescission. More details are provided in FHWA Notice 4510.673, the tables attached to that Notice, and the FAQs below:

Differences in Rescissions of Unobligated Balances

| <u>FYs 2005, 2006, and 2007</u> | <u>FY 2008</u> |
|---|--|
| “Maximum flexibility” given to the States. | Some flexibility given to the States, but far more limited than in previous rescissions. |
| FHWA only divides the total amount rescinded among the States; States then choose how to distribute the rescission among programs. | FHWA first divides the total amount rescinded among the States and then makes a further division within the states among programs. States then choose which funds to rescind subject to the distribution made by FHWA but with states allowed to make limited adjustments. |
| Rescinded amounts could be taken from any unobligated funds apportioned under Chapter 1 of Title 23, including older apportionment categories, such as Minimum Guarantee. | Rescinded amounts can only be taken from unobligated funds for the programs designated in Table 1 of FHWA Notice 4510.673 (the programs among which the rescission is being distributed within each State). |

2. Within each State, among which programs is the rescission being distributed?

The rescission is being distributed among the following programs:

- Interstate Maintenance Program;
- National Highway System Program;
- Highway Bridge Program;
- Surface Transportation Program (State Flex);
- Congestion Mitigation and Air Quality Improvement Program;
- Recreational Trails Program;
- Metropolitan Planning;
- Equity Bonus; and
- Transportation Enhancements.

3. What is the distribution of the rescission among the above programs within my State?

The distribution of the rescission among the programs listed above has been calculated by the FHWA and is reflected in Table 1 of FHWA Notice 4510.673.

4. How do I determine the maximum adjustments that may be made to the distribution of the rescission that has been calculated by FHWA?

The maximum allowable adjustments that may be made to the distribution of the rescission among programs are shown in Table 2 of FHWA Notice 4510.673. The amounts shown in Table 2 are 110% of the amounts shown in Table 1. Any adjustment to the distribution that results in an amount being rescinded in excess of the 110% amount for each affected program, as shown in Table 2, is not allowable.

5. Which funds may be used to meet the rescission amount?

States must adhere to the distribution of the rescission shown in Table 1, subject to adjustments to that distribution within the 110% limits shown in Table 2. Within the boundaries shown in Table 1 and Table 2, and excluding those funds ineligible to cover the rescission (see below), rescinded amounts may be taken from any unobligated funds. This includes available unobligated balances from prior fiscal years, provided that the State received an apportionment for that program in FY 2008.

6. Which program codes for programs among which the rescission is being distributed are ineligible to bear the rescission amount?

The following Surface Transportation Program (STP) program codes may not be used to cover the rescission:

- STP Safety Set-aside – 23 U.S.C. Section 133(d)(1)
 - H210 – Safety
 - H260 – Rail-Highway Crossings, Protective Devices
 - H270 – Rail-Highway Crossings, Hazard Elimination
 - H280 – Hazard Elimination Program
 - Q210 – Safety (TEA-21)
 - Q260 – Rail-Highway Crossings, Protective Devices (TEA-21)
 - Q270 – Rail-Highway Crossings, Hazard Elimination (TEA-21)
 - Q280 – Hazard Elimination Program (TEA-21)
- STP Sub-allocations to Areas – 23 U.S.C. Section 133(d)(3)(A)
 - L200 – Areas of Less than 200,000 Population
 - L230 – Urbanized Areas Population Over 200,000
 - L250 – Rural Areas Population <5,000
 - H200 – Areas of Less than 200,000 Population

- H230 – Urbanized Areas Population Over 200,000
- H250 – Mandatory Amounts for Non Urban Areas
- Q200 – Areas of Less than 200,000 Population (TEA-21)
- Q230 – Urbanized Areas Population Over 200,000 (TEA-21)
- Q250 – Mandatory Amounts for Non Urban Areas (TEA-21)

All program codes for programs among which the rescission is NOT being distributed (i.e., any program NOT listed in FAQ #2) are ineligible to bear the rescission. Therefore, program codes for Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons, the Highway Safety Improvement Program, Railway-Highway Crossings, Safe Routes to Schools, Minimum Guarantee, State Planning & Research (SPR), and any other programs among which the rescission is NOT being distributed are ineligible to bear the rescission.

7. Which program codes are eligible to bear the rescission amount?

- Please see the Addendum titled, “Guide to Eligible Program Codes”. The Addendum is attached to the same email as this FAQs document.

8. What should I keep in mind when submitting my State’s response to the rescission notice?

- Use the template provided in Table 3.
- Remember to include fiscal years. Make sure that the fiscal years and program codes that you provide correspond with one another:
 - L codes are for FY 2006 to FY 2008.
 - H codes are for FY 2004 to FY 2005.
 - Q codes are for FY 1998 to FY 2003.
 - Codes that start with a number are for FY 1997 and prior years.

9. How can I help to make the rescission process go more smoothly?

- Please submit your final response by the response deadline at the latest.
- Reach out to stakeholders in considering how to implement the rescission.
- Please try to bring to our attention any questions/issues regarding eligible/ineligible program codes (or any other questions that you may have) as soon as possible.
- Please try to submit only a single, final response. If you must change your response, please resubmit a corrected Table 3 in its entirety (as opposed to just

noting the change in an email message to the Budget Division). This will help prevent confusion as to what your State's final submission should be.

- Review FMIS report W10A to check the amount of unobligated balances. Be sure that amounts targeted for rescission in your response are not obligated between the time of your response and the rescission of the funds in FMIS.

10. Who can I contact if I have questions about this rescission?

- Valentina Kuzina: valentina.kuzina@dot.gov, 202-366-6211
- Steven Frankel: steven.frankel@dot.gov, 202-366-9649